

REMARKS

Claims 49-53 and 55 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Willis et al. (US Patent # 2,567,535). Claims 49-51, 55, and 58 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Dunlap et al. (US Patent # 3,992,783). Claims 49, 50, 52-55 and 59 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Adams (US Patent # 4,008,536). Claims 56 and 57 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Willis et al. as applied to claim 49, and further in view of DePaoli (US Patent # 5,373,644). In light of Examiner's rejections, Applicant submits new claim 60 and has amended claims 49 and 56. In view of these amendments, the '644 patent utilized to reject original claim 56, becomes most germane for discussion.

Applicant respectfully disagrees with Examiner's assertions that prior art references teach or suggest the inventive holographic sight device as previously claimed in claim 56 and now claimed in claim 60. Holographic sight devices are devices which comprise a grating to diffract a laser light to form a reticle image on the target image by the recombination of two beams. The Examiner asserts that the '644 patent discloses such a holographic sight device. However, the '644 patent teaches a reflex sight device that superimposes a reticle image on the image of the target seen through the optical instrument. The '644 patent teaches the holographic sight device to be disposed close to the eye of the shooter as in all prior references reciting such a holographic sight device, and is far away from the muzzle end. The prior art requires the shooter to look into the sighting device to see the formed holographic reticle image on the target image, and the conventional thought has always been, that the closer the device is to the eyes, the easier it is to look into it and view the holographic reticle image which "almost appears to float in the air", a usual comparison being to a jet fighter's heads up display.

In contrast to such prior art references, the invention positions the holographic sighting device at or near the free end of the barrel, that is, far away from the shooter's eye. In breaking with the conventional wisdom, the inventor has discovered that placing the holographic sighting device remote from the shooter's eye does not impair the shooter's aiming ability, and even more surprisingly, improves his aiming ability and results in more accurate shooting. The prior art of record has not recognized this and does not disclose or suggest this feature. Since the shooter has to look into the device to see the reticle "floating in the air", the conventional wisdom was that the device had to be placed as close as possible to the eye. Otherwise, the shooter would have had difficulties to see

the reticle.

Thus, in the present invention, the sight device is positioned as far as possible from the eye of the shooter. As a result, the shooter has a better alignment of his eyes with the rifle. In the prior art with holographic sight device close to the eyes, the shooter was able to see the holographic image even if misaligned, because he was close to the sight device. Now, if he is misaligned, he cannot see the reticle, and therefore he is forced to enhance his alignment. This new function of placing the holographic sight device far from the eyes results in a better alignment, and therefore a better shooting.

Applicant has also become aware of and has submitted Johnson US 5,671,561 and Bergacker US 5,724,761 in a Supplemental Information Disclosure Statement. Both of these references place the sight device at the muzzle end of the firearm. However, in both references, the sight device is not a holographic sight device. In both, the reticle or light dot is formed on the lens (Col. 4, ll. 49-50 in Johnson, for example), and this light dot on the lens can be seen just as well whether the eyes are close or far from the optical instrument, and furthermore can be seen also from almost any direction. From any point in the space from which the shooter can see the anterior side of the lens, he can also see the light dot, since this light dot is formed on this anterior side of the lens. This implies almost a 180° angle of vision.

In a holographic sight device, the shooter cannot see the light dot unless he has his eyes very close to the optical system or (and this has been understood the first time by the inventor) unless he has his eyes almost perfectly positioned in the shooting (aiming) direction.

Based on the foregoing, the Applicant believes that claims 49-60 are in condition for allowance, and respectfully requests the issuance of a Notice of Allowance.

Respectfully submitted,



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